

## II. REMARKS

### Formal Matters

Claims 12-16 and 20-22 are pending after entry of the amendments set forth herein.

Claims 1-11 and 17-19 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

### Rejection under 35 U.S.C. §103(a)

Claims 12-16 and 20-22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Reynolds (U.S. Patent no. 5,015,628; “Reynolds”) in view of Monier-Faugere et al. ((2000) Cecil Textbook of Medicine, 21<sup>st</sup> Ed., Vol. 166, Ch. 266, pages 1409-1414; “Monier-Faugere”).

Applicants claim a method of treating hyperphosphatemia. This means that abnormally high levels of phosphate in a patient’s blood are reduced.



Blood phosphate levels go down

Reynolds teaches compounds which “significantly increase the absorption of calcium phosphate and iron in the gut.” (Col. 8, lines 29-31) When more of the phosphate in the food in the patient’s gut is absorbed, the phosphate levels in the patient’s blood go up.



Blood phosphate levels go up

Thus, the compounds taught by applicants have the opposite effect from the compounds taught by Reynolds. Increasing phosphate levels is useful to treat diseases such as osteoporosis (see Reynolds